

United States District Court
Eastern District of Michigan

United States of America

v.

Fidel Suarez /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-80840

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- T** there is probable cause to believe that the defendant has committed an offense
- T** for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- “** under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Large scale cocaine distribution conspiracy.
- T** (b) weight of the evidence - I view the evidence as strong.
- T** (c) history and characteristics of the defendant - Driver of commercial truck used to deliver drugs.
 - T** 1) physical and mental condition - Good health, but very migratory residential history.
 - T** 2) employment, financial, family ties - Family in California; no ties to Eastern District of Michigan; in an integral part of the offense conduct.
 - T** 3) criminal history and record of appearance - One prior misdemeanor - still on probation.
- T** (d) probation, parole or bond at time of the alleged offense - Felony conviction in California on 7/28/05 - Defendant is on bond awaiting sentencing. Defendant also has two prior failures to appear, and was arrested on FTA warrant on Mexican border.
- T** (e) danger to another person or community - Defendant admits to carrying an unlicensed handgun for his “protection.” He is a felon, and not entitled to have a firearm.

Defendant faces a mandatory minimum five years imprisonment upon conviction and has a state court sentence pending as well. He has strong ties to Mexico. Pretrial Services recommends detention. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

September 22, 2005
Date

s/Donald A. Scheer
Signature of Judge
Donald A. Scheer United States Magistrate Judge
Name and Title of Judge